

Message Text

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ACTION IO-13

INFO OCT-01 AF-08 ISO-00 AGRE-00 IGA-02 AID-05 MED-02
DEAE-00 CIAE-00 INR-07 JUSE-00 NSAE-00 SNM-02
TRSE-00 USIA-06 NSC-05 OES-06 OMB-01 DODE-00 L-03
H-01 /062 W
-----221559Z 039965 /40

P R 221336Z MAR 77
FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC PRIORITY 7153
INFO AMCONSUL CAPE TOWN
AMCONSUL DURBAN
R/AMCONSUL JOHANNESBURG 6651
USMISSION GENEVA

LIMITED OFFICIAL USE PRETORIA 1352

CAPE TOWN FOR EMBASSY

E.O. 11652: N/A
TAGS: SNAR, SF
SUBJECT: CONGRESSIONAL HEARINGS ON DECRIMINALIZATION OF
MARIJUANA

REF: STATE 57902

1. SOUTH AFRICAN LAW COVERING POSSESSION OF MARIJUANA
IS "ABUSE OF DEPENDENCE-PRODUCING SUBSTANCES AND
REHABILITATION CENTRES ACT NO. 41 OF 1971." SECTION
2 STATES THAT POSSESSION OF LESS THAN 115 GRAMS OF
MARIJUANA IS PUNISHABLE BY A MINIMUM SENTENCE OF TWO
YEARS, MAXIMUM TEN UPON FIRST CONVICTION AND A
MINIMUM SENTENCE OF FIVE, MAXIMUM 15 UPON SECOND
CONVICTION. POSSESSION OF MORE THAN 115 GRAMS IS
AUTOMATICALLY CONSIDERED AS "DEALING" UNDER
SECTION 10 OF THIS LAW WHICH CARRIES A MINIMUM
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SENTENCE OF FIVE YEARS, MAXIMUM FIFTEEN UPON FIRST
CONVICTION AND A TEN YEAR MINIMUM, TWENTY-FIVE YEAR
MAXIMUM SENTENCE UPON SECOND CONVICTION. IN CASES
WHERE THE INDIVIDUAL IS CHARGED WITH "DEALING", THE
COURT MAY NOT SUSPEND OR MITIGATE THE MINIMUM
SENTENCE.

2. THE SOUTH AFRICAN POLICE ARE RELATIVELY STRICT IN BRINGING DRUG OFFENDERS BEFORE THE LAW. HOWEVER, IN PRACTICE IT IS UNUSUAL FOR A FIRST-TIME OFFENDER ARRESTED FOR SIMPLE POSSESSION OR PERSONAL USE OF MARIJUANA (LESS THAN 115 GRAMS) TO END UP WITH A JAIL SENTENCE. HE IS USUALLY GIVEN A SUSPENDED SENTENCE OR REMANDED TO A DRUG REHABILITATION PROGRAM OR A COMBINATION OF BOTH. FOR A SECOND OFFENSE, A FIVE-YEAR JAIL SENTENCE IS MANDATORY. HOWEVER, WITH TIME OFF FOR GOOD BEHAVIOR THE AVERAGE TIME IN JAIL IS TWO TO THREE YEARS. THE FIVE-YEAR MANDATORY SENTENCE FOR A FIRST OFFENSE OF DRUG DEALING ALOS AVERAGES TWO TO THREE YEARS IN JAIL. AT PRESENT PRISON OFFICIALS ARE NOT RELEASING THOSE WITH MULTIPLE DRUG DEALING CONVICTIONS PRIOR TO THE COMPLETION OF MINIMUM SENTENCE. NO DISTINCTION IS MADE BETWEEN DEALING IN MARIJUANA AND DEALING IN HARD DRUGS SUCH AS HEROIN, COCAINE, OR LSD. ONLY IN TERMS OF SIMPLE POSSESSION OR PERSONAL USE, IS MARIJUANA TREATED LESS HARSHLY THAN HARD DRUGS.

3. FOREIGNERS CAUGHT IN DRUG OFFENSES ARE USUALLY DECLARED "UNDERSIRABLE ALIENS" AND SENT OUT OF THE COUNTRY. COURT SENTENCING OF SOUTH AFRICAN CITIZENS ON MARIJUANA CHARGES DEPENDS ON THE ACCUSED'S SEX, DEMEANOR, AGE AND LIFE STYLE. FOR EXAMPLE, THERE HAVE BEEN CASES IN WHICH AN ELDERLY AFRICAN WOMAN FROM A RURAL AREA WAS GIVEN A SUSPENDED SENTENCE FOR SMOKING MARIJUANA WHEREAS A YOUNG LONG-HAIRED WHITE WAS IMPRISONED. LIKEWISE, A WHITE YOUTH WAS RECENTLY SENTENCED THREE YEARS FOR POSESSING LESS THAN ONE LIMITED OFFICIAL USE

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GRAM OF MARIJUANA UPON HIS THIRD CONVICTION.
BOWDLER

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NNN

Message Attributes

Automatic Decaptioning: X
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Control Number: n/a
Copy: SINGLE
Sent Date: 22-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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ISecure: 1
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